

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

May 18, 2004

IN RE:

JOINT PETITION FOR ARBITRATION OF NEWSOUTH  
COMMUNICATIONS CORP., NUVOX COMMUNICATIONS,  
INC., KMC TELECOM V, INC., KMC TELECOM III LLC,  
AND XSPEDIUS COMMUNICATIONS, LLC ON BEHALF  
OF ITS OPERATING SUBSIDIARIES XSPEDIUS  
MANAGEMENT CO. SWITCHED SERVICES, LLC AND  
XSPEDIUS MANAGEMENT CO. OF CHATTANOOGA, LLC  
OF AN INTERCONNECTION AGREEMENT WITH  
BELLSOUTH TELECOMMUNICATIONS, INC. PURSUANT  
TO SECTION 252(b) OF THE TELECOMMUNICATIONS ACT  
OF 1934, AS AMENDED

DOCKET NO.  
04-00046

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ORDER APPOINTING PRE-ARBITRATION OFFICER

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This matter came before Chairman Deborah Taylor Tate, Director Pat Miller and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on March 22, 2004, upon the *Joint Petition for Arbitration of NewSouth Communications Corp., NuVox Communications, Inc., KMC Telecom V, Inc., KMC Telecom III LLC, and Xspedius Communications, LLC on Behalf of its Operating Subsidiaries Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. of Chattanooga, LLC of an Interconnection Agreement with BellSouth Telecommunications, Inc. Pursuant to Section 252(b) of the Telecommunications Act of 1934, as Amended*, filed by NewSouth Communications Corp., NuVox Communications, Inc., KMC Telecom V, Inc. and KMC Telecom III LLC, and Xspedius Communications, LLC on behalf of its operating subsidiaries Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. of Chattanooga, LLC (the "Petitioners") on February 11, 2004.


On February 25, 2004, BellSouth Telecommunications, Inc. ("BellSouth") filed a *Motion to Sever or to Impose Procedural Restrictions*. The Petitioners filed a *Joint Response of Petitioners to BellSouth's Motion to Sever or to Impose Procedural Restrictions* on March 2, 2004. BellSouth filed its *Answer to the Petition for Arbitration* on March 8, 2004, followed by its *Motion for Permission to File a Reply to Petitioner's Response to BellSouth's Motion to Sever* and its *Proposed Reply* on March 12, 2004.

During the March 22, 2004 Authority Conference, the panel voted unanimously to appoint the Authority's General Counsel or his designee as the Pre-Arbitration Officer for the purposes of considering the acceptance of the arbitration and, if the docket is accepted for arbitration, adopting issues, determining parties to each issue, establishing a procedural schedule, considering BellSouth's motion to sever or impose procedural restrictions and any other matters that are necessary.

**IT IS THEREFORE ORDERED THAT:**

The Authority's General Counsel or his designee is appointed Pre-Arbitration Officer in this matter to consider acceptance of the arbitration and, if the docket is accepted for arbitration, adopting issues, determining parties to each issue, establishing a procedural schedule, considering BellSouth's motion to sever or impose procedural restrictions and any other matters that are necessary.

  
Deborah Taylor Tate, Chairman

  
Pat Miller, Director

  
Ron Jones, Director